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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,512	01/16/2002	Hiroshi Hamasaka	2002_0034A	3478
513	7590	03/12/2007	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			TEKLE, DANIEL T	
			ART UNIT	PAPER NUMBER
			2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/046,512	HAMASAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel Tekle	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/21/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Amendment***

Applicant amendment and argument filed November 21, 2006 with the rejection of respect to claims 1-14 under Okada et al. are found not to be persuasive.

**Regarding Claim 1-8:** In page 11 lines 11-14 of the remark applicant argues, with respect to claim 1-8, "In summary Okada teaches that the user can define the order or sequence of each section of a particular object to be played back from the disc but does not disclose or suggest that the user can select any access point within the stream of digital data and then begin playback from the particular user-defined access point"

In response, the examiner respectfully disagrees. Okada et al. does teach "The PGC information 50, 70 represent a unit of data to be playback when the DVD player plays continuously data back. Specifically, each of the PGC information 50, 70 indicates an object to be replayed, and a playback sequence of cells 60, 61, 62 and 63. Each of cells 60, 61, 62 and 63 indicates any playback section of this particular object (**column 8 lines 6-12**)". Further Okada et al. teach a user can freely define the playback sequence (**column 8 lines 19-20**), which is not different compare to user select any access point.

**Regarding Claims 9-11 and 12-14:** Claims 9-11 and 12-14 are rejected for the same reason as discussed above since there is no difference doing function between claims 1-8 and 9-14. Claims 1-8 are a data recording apparatus; 9-11 are a data recording

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method and 12-14 are a data recording program. Three of these independent claims are share similar function.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

*TTO  
2/25/07*  
<sup>1-14</sup>  
Claim 1-15 rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al.  
(US 6266483).

The applied reference has a common Assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

**Regarding Claim 1: Okada et al. teaches a data recording apparatus for recording and playing a stream of encoded digital data, said data recording apparatus comprising a receiver unit operable to receive the stream of encoded digital data; an analyzer operable to detect a change in an attribute of the stream of encoded digital data**

received by receiver unit and operable to output detection data containing information which indicates the detection of the change in the attribute of the stream of encoded digital data; a controller operable to generate management information containing the detection data output by analyzer time information indicating time at which the change in the attribute of the steam of encoded digital data was detected, a first entry point, which is defined based on the time information, wherein the first entry point is an access point from which the stream of encoded digital data is operable to begin playing, and a second entry point, which represents a user-defined access point selected from any point within the steam of encoded digital data, from which the stream of encoded digital data is operable to begin playing; a driver operable to record the management information generated by controller and operable to record the stream of encoded digital data received by receiving unit to a data storage medium; and an input unit operable to receive a user input by which the user selects the user-defined access point from any point within the stream of encoded digital data, and operable to define the second entry point based on the user input and a playback path of the stream of encoded digital data (column 17 line 16-67, column 14 line 63-67 and column 15 line 1-5).

Regarding claim 2: Okada et al. teaches a data recording apparatus according to claim 1, wherein the management information further includes a first table containing the first entry point and second table containing the second entry point (column 17 line 16-67, column 14 line 63-67 and column 15 line 1-5).

**Regarding claim 3 and 8:** Okada et al. teaches a recording apparatus according to claim 1, wherein the management information further includes separate identification flags for the first entry point and the second entry point (**Column 17 line 16-67, column 14 line 63-67 and column 15 line 1-5**); and the data storage medium is an optical disc (**abstract**).

**Regarding claim 4-5:** Okada et al. teaches a data recording apparatus according to claim 2, wherein analyzer is operable to detect at least one of the following as the change in the attribute of the stream of encoded digital data received by said receiver unit; a change in a broadcast program when the stream is a digital broadcast stream, a change of PSI/SI information in digital broadcast stream that controls playback of the stream, a change in a multi-view attribute, a change back to a starting point of a data carousel, a change in content of the data carousel, a change in program map table PMT, a module change, a change of data event, a change of parental control information, a change in an audio stream attribute, and a change in sequence header information when the stream is a digital broadcast MPEG video stream. Farther the management information contains link information corresponding to AV data recorded on the data storage medium for the first entry point and the second entry point (**column 14 lines 63-67 and column 15 lines 1-4**).

**Regarding claim 6:** Okada et al. teaches a data recording apparatus according to claim 2, further a reading unit operable to decode the management information and operable to read the stream of encoded digital data recorded on the data storage medium; a decoder operable to decode the stream read of encoded digital data by

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reading unit; and an output unit operable to output the management information read by reading unit and operable to output the stream decoded by decoder, wherein the reading unit is operable to read the management information upon the second entry point being defined by input unit, and output unit is then operable to display the first entry point contained in the first table and the second entry point previously defined and contained in the second table of the management information (**column 18 line 11-55, column 14 line 63-67 and column 15 line 1-5**).

**Regarding claim 7:** Okada et al. teaches a data recording apparatus according to claim 2, further a reading unit operable to read the management information and operable to read the stream of encoded digital data recorded on the data storage medium; a decoder operable to record the stream of encoded digital data read by reading unit; and an output unit operable to output the management information read by reading unit and operable to output the stream decoded by decoder, wherein reading unit is operable to read the management information, and output unit is then operable to display the second entry point contained in the second table of the management information(**column 18 line 11-55, column 14 line 63-67 and column 15 line 1-5**).

**Regarding claim 9-11:** Okada et al. a data recording method for recording and playing a steam of encoded digital data, said data recording method comprising receiving a stream of encoded digital data; detecting a change in an attribute of the received stream of encoded digital data and outputting detection data containing information which indicates the detection of the change in the attribute of the stream of encoded digital data; generating management information containing the detection data time

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information indicating a time at which the change in the attribute of the stream of encoded digital data was detected a first entry point, which is defined based on the time information, wherein the first entry point is an access point from which the steam of encoded digital data is operable to begin playing, and a second entry point, which represents a user-defined access point selected from any point within the stream of encoded digital data, from which the stream of encoded digital data is operable to begin playing; recording the management information generated by said generating of the management information and recording the stream of encoded digital data received by receiving of the stream of encoded digital data to a data storage medium; and defining the second entry point based on a user by which the user selects the user defined access point from any point within the stream of encoded digital data, and based on a playback path of the stream of encoded digital data(**Column 17 line 16-67, column 14 line 63-67 and column 15 line 1-5**).

**Regarding Claims 10-11:** Claims 10-11 rejected for the same subject matter as claim 9.

**Regarding Claims 12-14:** Claims 12-14 rejected for the same subject matter as claim 1-8.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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